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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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9 CALIFORNIA PIPE RECYCLING,
10 INC.

11 Plaintiff,

12 vs.

13 SOUTHWEST HOLDINGS, INC., et al.,

14 Defendants.
_____ /

CASE NO. CV F 08-0236 LJO SMS

**ORDER TO SET FURTHER STATUS
CONFERENCE**

Date: January 15, 2009

Time: 8:15 a.m.

Dept.: 4 (LJO)

15 This Court conducted a December 18, 2008 status conference. Plaintiff California Pipe
16 Recycling, Inc. ("Cal Pipe") appeared by telephone by counsel Kerry P. Zeiler, Ko & Zeiler. Defendants
17 Joseph Briers, Southwest Pipe Services, Inc. and S.W. Pipe Holdings, Inc. (collectively the "Biers
18 defedants") appeared by telephone by counsel Jason Powers, Powers & Slay. Defendant Robbye
19 Waldon ("Mr. Waldon"), trustee of Joseph Briers' discharged chapter 7 bankruptcy, appeared by David
20 Jones, Porter & Hedges. At the conference, the parties discussed potential withdrawal of Cal Pipe from
21 the interpleader portion of this action, bifurcation and transfer of claims to the interplead funds to the
22 Texas bankruptcy court, and the Briers defendants' newly filed counterclaim against Cal Pipe to recover
23 \$15,200 worth of pipe. After discussion with the parties, this Court:

- 24 1. SETS a telephonic status conference for January 15, 2009 at 8:15 a.m. in Department 4
25 (LJO). The parties's counsel shall appear at the conference by arranging a one-line
26 conference call and adding the Court at (559) 499-5680. The parties' counsel shall be
27 prepared to discuss the status of this action and recommendations to proceed;
28 2. ORDERS the parties, no later than January 12, 2009, to file status reports to indicate the

1 status of this action and recommendations to proceed, including bifurcation and transfer
2 of issues;

3 3. ORDERS Cal Pipe, no later than January 19, 2009, to file and serve its motion to
4 withdraw from the interpleader portion of this action and for attorney fees;

5 4. ORDERS counsel for the Briers defendants and Mr. Waldon, no later than December 31,
6 2008, to confer and attempt to agree on bifurcating and transferring the interpleader
7 portion of this action to the Texas bankruptcy court; and

8 5. ORDERS the parties, no later than January 8, 2009, to file proposed orders, if any, for
9 handling this action.

10 IT IS SO ORDERED.

11 **Dated: December 18, 2008**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE